

## **REMARKS**

Claims 12-17 are pending in this application, of which all claims stand rejected under 35 USC §§ 103(a) and 112 ¶ 1. As well, the Examiner objects to the Specification and requires a Substitute Specification. In this Amendment, claims 15-16 are canceled; and claims 12 is amended. No new matter is added. Claims 12-14 and 17, as amended, are currently pending. Applicant requests reconsideration and allowance of the claims in light of the above amendments and following remarks.

Applicant respectfully thanks Examiner for acknowledging papers submitted under 35 U.S.C. 119(a)-(d) or (f). Applicant further thanks Examiner for the telephone interview discussing the grounds for the various rejections.

### **Objection to Specification**

The Examiner objects to the Specification for improper idiomatic English and non-compliance with 37 CFR 1.52(a) and (b). A clean version of the Substitute Specification is submitted; a Substitute Specification in marked-up form also is provided for the Examiner's convenience. The specification includes no new matter.

### **Claim Rejections - 35 USC § 112**

Claims 12-16 are rejected under 35 USC § 112, first paragraph, as failing to comply with the written description requirement. Claim 12 is amended herein to remove the basis for this rejection. Claims 13-14, depending from claim 12, likewise overcome this rejection. Claims 15-16 are canceled.

Claims 12-16 are rejected under 35 USC § 112, second paragraph, as being indefinite for failing to point out and distinctly claim the subject matter which applicant regards as the invention. Claim 12 is amended and claim 15 canceled herein, removing any perceived conflict between these claims.

### **Claim Rejections - 35 USC § 103**

Claims 12 and 15-17 are rejected under 35 USC § 103(a) as being unpatentable over Draexler (U.S. Patent 4,551,392) in view of Hoover (U.S. Patent 2,656,292). The rejection is respectfully traversed.

Applicants submit the Declaration under 37 CFR 1.132 of Dae Woo Lee. Mr. Lee is a chemical engineer with over three decades' experience in adhesive waterproof materials technology and more than fifty Korean patents in this technology.

It is Mr. Lee's expert opinion that conventional rubber composites contained an adhesion-providing agent in the range of 1-5%. He finds no teaching or suggestion to employ such an elevated adhesion-providing agent ratio in either Draexler '392 or Hoover '292.

Mr. Lee further avers that both the use of the adhesion-providing agent ratio as recited in claim 12 (about 41% by weight) in an adhesive waterproof rubber composite, as well as the benefit of a composite so made, would be unobvious to one of ordinary skill in the art.

Claim 12, and claims 13-14 and 17 depending therefrom, are allowable over the cited art.

### **Conclusion**

For the foregoing reasons, claims 12-14 and 17 of the application as amended are in condition for allowance. The Examiner is encouraged to telephone the undersigned at (503) 222-3613 if it appears that an interview would be helpful in advancing the case.

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